



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

GREGORY ACCARINO
Assistant Corporation Counsel
phone: (212) 356-1945
gaccari@law.nyc.gov

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

August 19, 2022

BY ECF

Honorable Stewart D. Aaron
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Application GRANTED. SO ORDERED.

Dated: August 19, 2022

Re: Peter Rodriguez v. City of New York, et al.
20 Civ. 11045 (GBD) (SDA)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel for the City of New York, and attorney for the defendants in the above-referenced matter. The defendants write to respectfully request an extension of time to file a joint letter “regarding proposed next steps in this action, including whether they would like to participate in a settlement conference and/or whether either side intends to file a dispositive motion,” for fourteen (14) days from today, August 19, 2022, until September 2, 2022. See ECF No. 86, Memo Endorsement, July 19, 2022. This is the defendants’ first such request for an extension. The defendants apologize for filing this extension request on the day of the deadline, however, the plaintiff was unexpectedly transferred to a new correctional facility as discussed below. Consequently, the undersigned was unable to obtain plaintiff’s position for the same reasons.

By way of background, earlier this week, the undersigned had scheduled a phone call with plaintiff for today, August 19, 2022, at 9:00 a.m. at Elmira Correctional Facility, where the plaintiff was housed, to discuss the Court’s Order. See ECF No. 86, Memo Endorsement, July 19, 2022. On August 18, 2022, at 3:46 p.m., the undersigned received a notification from Elmira Correctional Facility that plaintiff had been transferred to Attica Correctional Facility. After receiving the notification, the undersigned contacted Attica Correctional Facility, which informed the undersigned to call back today, August 19, 2022. Today, the undersigned contacted Attica Correctional Facility and was informed that: (1) the individual who schedules phone calls with inmates was out, (2) the undersigned should make a written request by email, and (3) that any

written request would be responded to next week. The undersigned then sent a written request by email to Attica Correctional Facility.

Because the plaintiff has been transferred to another correctional facility with limited notice to schedule a phone call, and the fact that the undersigned has been unable to schedule a phone call with plaintiff for the same reasons, the defendants request an extension of fourteen (14) days from August 19, 2022, until September 2, 2022 to file a joint letter “regarding proposed next steps in this action, including whether they would like to participate in a settlement conference and/or whether either side intends to file a dispositive motion.”

In light of this new information, the undersigned will be mailing a copy of this letter to the plaintiff at Attica Correctional Facility, located at 639 Exchange Street Road, Attica, New York 14011, instead of his listed address at Elmira Correctional Facility.

Defendants thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Gregory J.O. Accarino

Gregory J.O. Accarino
Assistant Corporation Counsel
Special Federal Litigation Division

Cc: **By U.S. Mail:**
Peter Rodriguez
Plaintiff *Pro Se*
#22B2287
Attica C.F.
639 Exchange Street Road
Attica, New York 14011

DECLARATION OF SERVICE BY MAIL

I, Gregory J.O. Accarino, declare, pursuant to 28 U.S.C. § 1746, under penalty of perjury that on August 19, 2022, I served the annexed:

- EXTENSION LETTER

upon the following Plaintiff *Pro Se* by serving copies of the same to be deposited, enclosed in a first class postpaid properly addressed wrapper, in a post office/official depository under the exclusive care and custody of the United States Postal Service, within the State of New York, directed to Plaintiff at the address set forth below, being the address designated by Plaintiff for that purpose:

Peter Rodriguez
Plaintiff *Pro Se*
#22B2287
Attica C.F.
639 Exchange Street Road
Attica, New York 14011

Dated: New York, New York
August 19, 2022

/s/ Gregory J.O. Accarino
Gregory J.O. Accarino
Assistant Corporation Counsel
Special Federal Litigation Division